

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>DWIGHT RUSSELL, <i>et al.</i>,</b>	§	
<b><i>Plaintiffs,</i></b>	§	
	§	
<b>V.</b>	§	<b>CIVIL ACTION NO. 4:19-CV-00226</b>
	§	
<b>HARRIS COUNTY, TEXAS, <i>et al.</i>,</b>	§	
<b><i>Defendants.</i></b>	§	

---

**ADVISORY**

---

INTERESTED NON-PARTY HARRIS COUNTY DISTRICT ATTORNEY KIM OGG provides the following advisory.

On June 29, 2020, this Court directed the Harris County Sheriff to “create an updated list of all felony pretrial detainees facially eligible for release who have not yet received an individualized hearing, and send the list to all parties and interested nonparties.” *See* Docket Entry No. 198.

The Court further directed the Harris County District Attorney’s Office (“HCD AO”), upon receipt of the Sheriff’s updated list, to “review the list and respond with the names of any detainees for whom they have objections to release” within 48 hours of receipt. *Id.*

On June 30, 2020, at 10:45 a.m., the Sheriff transmitted to the HCD AO a list of 555 inmates to be considered for unopposed release from the Harris County Jail on personal bond. The Sheriff advised that 138 of the inmates on the list had already been released.

Nine hours later, at 7:43 p.m., Assistant District Attorney JoAnne Musick circulated the HCD AO’s assessment of the Sheriff’s list to the parties, including a spreadsheet identifying the detainees for whom the HCD AO has objections to release. *See* Exhibit A (Musick email).

Attached as Exhibit B are summaries of the data. Notable observations:

- The Sheriff's list does not include all cases pending for each detainee listed. There are many defendants who have multiple pending cases – including new offenses committed while on bond for previous offenses – not reflected in the list. On its face, the Sheriff's list may leave the inaccurate impression that some defendants are being held in the Harris County Jail solely for a single offense.

As noted in the summaries, the HCDAO's review "took a holistic approach to each defendant in the list, including all felony cases that each defendant has pending. These defendants have at least 440 additional open and pending felony cases which are not reflected on the HCSO list but were taken into account during our review."

- There are ten detainees who are continuing to be held in the Harris County Jail despite the HCDAO's express and communicated non-opposition to detention. As noted in the summaries, these detainees "may be waiting on a treatment facility, such as defendant C.H. SPN 2950338; they may have had a hearing wherein the judge continued monetary bail or otherwise denied release; or they may have a hold or some other legal impediment to their release."
- There are 427 detainees on the Sheriff's list for whom the HCDAO has objected to releasing. 181 of the detainees have independent holds foreclosing release, even if personal bonds are granted. 99 detainees have prior convictions for violence. 96 inmates are currently charged with violent offenses. 221 detainees, after a careful review by the prosecutors assigned to their cases, have been determined to have unique circumstances that call for judicial bail review rather than summary release on personal bond.<sup>1</sup>

---

<sup>1</sup> Note that these numbers are not mutually exclusive reasons for the HCDAO's objections to personal bond. For example, some detainees have holds *and* prior convictions for violent offenses; some detainees have current charges *and* past convictions for violent offenses.

The HCDAO has expeditiously completed the Court's assignment and will continue to evaluate the eligibility of new detainees for agreed personal bonds. The HCDAO will also continue to work with the state district court judges and defense attorneys to appear, so long as noticed, at every bail hearing scheduled by the District Courts.

Respectfully submitted,

*Scott A. Durfee*

**SCOTT A. DURFEE**

State Bar No. 06277550

Assistant District Attorney

500 Jefferson, Sixth Floor

Houston, Texas 77002

(713) 755-5816 (telephone)

(713) 368-9275 (facsimile)

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> day of July, 2020, a true and correct copy of the foregoing pleading was delivered by electronic notice to counsel for the parties.

*Scott A. Durfee*

\_\_\_\_\_  
Scott A. Durfee